

UNITED STATES DISTRICT COURT

for the
District of Arizona

7/24/17
 United States of America)
 v.)
 Sinai Munoz,) Case No. 17-7410mjs
 a.k.a.: Sanai Munoz,)
 a.k.a.: Sinai Munoz-Munoz,)
 (A088 028 703))
 Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 4, 2015, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Sinai Munoz, an alien, was found in the United States of America at or near Florence, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 19, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Deportation Officer.

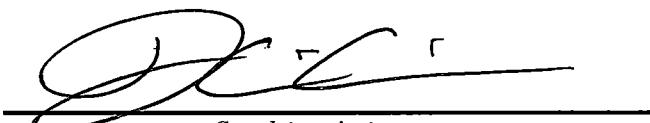
This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

Continued on the attached sheet.



Complainant's signature

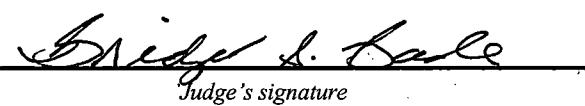
Darrin J. McNeill,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: July 25, 2017

City and state: Phoenix, Arizona



Judge's signature

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer, with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about June 4, 2015, Sinai Munoz was booked into the Pinal County Jail (PCJ) on local charges, in Florence, Arizona. While incarcerated at the PCJ, Munoz was encountered by Deportation Officer (DO) K. Bourne, who determined Munoz to be a citizen of Mexico, illegally present in the United States. On or about June 4, 2015, an immigration detainer was lodged with the PCJ. On July 24, 2017, Munoz was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Munoz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Sinai Munoz to be a citizen of Mexico and a previously deported criminal alien. Munoz was removed from the United States to

Mexico through Nogales, Arizona, on or about February 19, 2011, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Munoz in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Munoz's immigration history was matched to him by electronic fingerprint comparison.

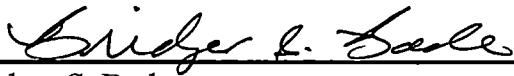
4. Criminal history checks revealed that Sinai Munoz was convicted of Solicitation to Commit Misconduct Involving Weapons, a felony offense, on March 5, 2009, in the Superior Court of Arizona, Maricopa County. Munoz was sentenced to three (3) years' probation. Munoz's criminal history was matched to him by electronic fingerprint comparison.
5. On July 24, 2017, Sinai Munoz was advised of his constitutional rights. Munoz freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about June 4, 2015, Sinai Munoz, an alien, was found in the United States of America at or near Florence, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about February 19, 2011, and not having obtained the express consent of

the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(1).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 25th day of July, 2017.



Bridget S. Bade
Bridget S. Bade,
United States Magistrate Judge